

**REMARKS**

Claims 1-24 were originally filed in the present application. In the Restriction Requirement mailed January 31, 2005, the Examiner restricted claims 1-24 into six groups. Applicants have amended claims 18, 19 and 24 and added new dependent claims 25-28. Applicants also herein cancel claims 1-15 and 21-23 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

Applicants elect claims 16-20 and 24 in Group IV, and elect the species of tumor cells (corresponding to Group IV) with traverse. The grouping of Claims IV-VI is inappropriate because the diseases or medical conditions to be treated are linked by the limitation that the diseased cells to be treated express or bear Hsp70 on their cell surface. As explained in the application, an important aspect of the present invention is the surprising finding that Granzyme B is effective in the treatment of diseases independent of the perforin pathway when the corresponding cells to be treated have Hsp70 on their surface. See, for example, the Specification, p. 12 and Examples 3 and 4. Thus, there is a disclosure of the relationship of the species via the claimed genus of cells that express Hsp70 on their surface. See MPEP §806.04(b). Accordingly, the claims should be allowed to prosecuted in the present application as they are currently presented.

As such, Claims 1-20 and 24-28 are pending and under examination following entry of Applicants' response to the outstanding Restriction requirement.

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